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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No. 5548 / 2007

PETITIONERS

1. Maniram S/o Dayal Satyavanshi aged about 40 years
2. Sheshram S/o Dayal Satyavanshi aged about 38 years.
Both are R/o Village – Bodala, Tah. Kawardha, Distt. Kabirdham (C.G.)

VERSUS

RESPONDENTS Plaintiff

1. Faguram S/o Dayal Satyavanshi aged about 47 years R/o Village Bodala, Tah. Kawardha, Distt. Kabirdham (C.G.)

RESPONDENTS Defendants

2. Budhhu S/o Sewak aged 40 years Occupation – Agriculture
3. Prem S/o Sukhiram aged 80 years, Occupation Agriculturer
4. Pyare S/o Sukhiram aged 75 years Occupation – Agriculturer
Respondent No. 2 to 4 are R/o Village Bodala, Tah. & District Kabirdham (C.G.)
5. Dayal S/o Sukhiram (Since deceased)

(5A) Toran Bai W/o Kalpu Bhartendu, aged 52 years R/o Pandariya presently working as District Public Prosecution Officer, District Court Rajnandgaon (C.G.)

(5-B) Tar Bai W/o Kashiram aged 45 years R/o Near Mohgaon, Village Taitapara, Tah. Pandaria, Distt. Kabirdham

(5-C) Tara Bai W/o Khelawan Aged 42 years R/o Village Hardi Khektara, Tah-Pandaria, Distt. Kabirdham (C.G.)

(5-D) Moti Bai W/o Heera aged 28 years R/o Setganga, P.S. – Kunda, Tah. Pandaria, Distt. Kabirdham (C.G.)

6. Bhagwanta S/o Sukhiram aged 65 years Occupation – Cultivator, R/o Village Bodala Tah. & District – Kabirdham (C.G.)
7. Smt. Yashoda Bai W/o Dayal aged 65 years, R/o Village Bodala Tah. & District – (Kawardha) Kabirdham (C.G.)
8. Salik S/o Pyarelal aged 52 years R/o Village Bodala Tah. & District – Kabirdham (C.G.)
9. Babulal S/o Prem aged 38 years, R/o Village Bodala Tah. & District – Kabirdham (C.G.)
10. Kumar S/o Bhagwanta aged 36 years R/o Village Bodala Tah. & District – (Kawardha) Kabirdham (C.G.)
11. State of Chhattisgarh
Through : Collector Kabirdham, District – Kabirdham (C.G.)

Petition under Article 227 of the Constitution of India

Present: Shri Indrasen Sahu, counsel for the petitioners.
Shri U.N.S. Deo, Govt. Advocate for the State.

ORAL ORDER
(Passed on 10th September, 2007)

Plaintiff/respondent No. 1 filed a suit wherein a preliminary issue regarding the valuation was framed. According to the petitioner the suit was under valued. The said issue was discussed in detail by the Court below in paragraph 5 of its judgment. The specific finding recorded by the Court below is that the petitioner failed to substantiate any ground in support of his arguments. Even before this Court according to the petitioner the suit was under valued and therefore it is beyond the jurisdiction of the Court concerned. However, a specific finding has been recorded by the Court below that the petitioner has not brought on record any evidence before the said Court.

I am of the considered opinion that the Court below has passed the reasoned order dealing with the question raised by the petitioner and the petitioner failed to make out any reasonable ground for interference. Accordingly, the petition is dismissed.

Sd/-
Ag. Chief Justice

Kamde